

REMARKS

1. The Office Action has objected to the specification because Paragraph 0001 containing the cross-reference to related applications was phrased incorrectly. In response thereto, Applicant has amended Paragraph 0001 as suggested in the Office Action by substituting a new Paragraph 0001. In view of this amendment to the specification, Applicant respectfully requests that this objection be reconsidered and withdrawn.

2. The Office Action has rejected Claims 1 – 9 and 16 under the provisions of 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. More particularly, the Office Action identifies “said side rail members” in Claim 1, and “said trim piece” in Claims 9 and 16 that have no antecedent basis. This rejection is respectfully traversed.

Applicant would direct the Examiner’s attention to the amendments made to Claims 1, 9 and 16 to correct these informalities. Specifically, Claim 1 “said side rail members” was made singular, and “said trim piece” was changed to “said trim member”, which has antecedent support in the preceding claims. In view of these amendments, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Office Action has rejected Claims 1 – 5, 10 and 17 under the provisions of 35 U.S.C. §102(b) as being unpatentable over U. S. Patent No. 3,002,664 (Guevara). The Office Action states that the Guevara reference teaches a collapsible roof rack structure having pivotally movable front and rear side rail members movable between a raised basket-forming position and a lowered collapsed position. This rejection is respectfully traversed.

Applicant would direct the Examiner’s attention to the amendments to Claims 1, 10 and 17 to overcome the Guevara patent. More particularly, Claim 1 has been amended to incorporate Claim 2 and to specify that the front and rear side rail members are independently pivotally movable in a lateral direction. Claim 10 has been amended to specify that the rear side rail members are laterally movable independently of the front side rail members, with each of the generally planar storage surface devices being movable laterally with the corresponding rear side rail member relative to the other storage device. Similarly, Claim 17 has been amended to

specify that the lowered collapsed position of the front and rear side rail members is spaced inwardly toward the other laterally spaced corresponding side rail member, and that the rear side rail members are pivotally movable independently of the front side rail members.

Applicant respectfully submits that Guevara discloses a collapsible roof rack system that operates to lower the side rails by telescopically reducing the length of the side rails and simultaneously pivoting them about the transverse pivot axes corresponding to front and rear transverse rails of the roof rack. As a result, the Guevara side rails simply lower in place as the superstructure of the roof rack is collapsed.

Accordingly, Applicant respectfully submits that Claim 1 overcomes the Guevara reference by reason that Guevara contains no teaching or suggestion for front and rear side rail members that are independently pivotally movable in a lateral direction. Not only are the Guevara side rails not independently movable, but they do not move laterally when moving from the basket-forming position to the collapsed position.

Applicant respectfully submits that Claim 10 overcomes the Guevara reference by reason that Guevara contains no teaching or suggestion for rear side rail members that are pivotally movable independently of the front side rail members, nor any teaching or suggestion for a storage surface device that is coupled to a rear side rail member and is movable together laterally relative to the opposing storage surface device. As noted above, Guevara contains no teaching for the lateral movement of a storage surface device and rear side rail, and contains no disclosure of front and rear side rails that are movable, respectively, independently.

Applicant also respectfully submits that Claim 17 overcomes the Guevara reference by reason that Guevara contains no teaching or suggestion for front and rear side rail members that are, respectively, independently movable, and no teaching or suggestion that the movement of the front and rear side rail members from the raised basket-forming position to the lowered collapsed position is spaced inwardly toward the corresponding laterally spaced side rail member.

In view of the amendments made above, Applicants respectfully request that this rejection be reconsidered and withdrawn.

4. The Office Action has rejected Claims 6 – 8, 11 – 15 and 18 – 20 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Guevara in view of U. S. Patent No.

3,963,136 (Spanke). The Office Action states that Guevara lacks the teaching of connecting members or guide rails mounted to the vehicle roof, which is provided by the Spanke reference. The Office Action further states that Guevara discloses trim members interengaging the front and rear side rail members, with the trim member being housed within one of the side rail members. The Office Action concludes that it would be obvious to make the rack of Guevara retractable and positionable along the side of the vehicle as taught by Spanke in order to facilitate loading the rack. This rejection is respectfully traversed.

Applicant respectfully submits that Spanke adds nothing to the teachings of Guevara to meet the limitations of independent Claims 1, 10 and 17, as described in the preceding paragraph. Spanke contains no teaching or suggestion for the independent pivotal movement of front and rear side rail members, for the inward lateral pivotal movement of the side rail members when moving from the raised basket-forming position to the lowered collapsed position, or for the lateral movement of storage surface devices in conjunction with the rear side rail members independently of the front side rail members. Thus, the Guevara/Spanke combination, whether taken singly or in combination, cannot meet the limitations of amended independent Claims 1, 10 and 17.

Furthermore, Applicant respectfully submits that the combination of the Guevara and Spanke references would not result in a roof rack apparatus as disclosed and claimed in the instant application. Specifically, the combination of these references could not operate as suggested in the Office Action. Guevara clearly discloses front and rear transverse rail members coupled to front and rear side rail member, which are telescopically interconnected by the member 40 so that the railing superstructure can be collapsed. The interconnected front, rear and side rail members in Guevara would not be capable of separating to allow lateral movement, as suggested in Spanke, without completely changing the structure of the Guevara roof rack and destroying the function thereof as taught in the Guevara reference.

Accordingly, Applicant respectfully submits that the Guevara/Spanke combination cannot render Applicant's claimed invention unpatentable. For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

5. Applicant would direct the Examiner's attention to a few amendments made to the claims to better clarify Applicant's invention. For example, the "storage surfaces" in Claims 5 –

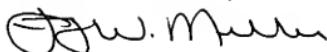
20 have been changed to "storage surface devices". Also, Claims 4, 13 and 19 have been amended to clarify that the front and rear transverse members are pivotally movable in a longitudinal direction when moving from the raised basket-forming position to the lowered collapsed position.

6. Applicant appreciates the indication of allowable subject matter in dependent Claims 9 and 16, but would prefer to retain these claims in their dependent form. Applicant respectfully requests that these claims be passed to allowance with the other claims remaining in this application.

7. In summary, Claims 1, 3 – 6, 9 – 11, 13, 16 – 19 have been amended, Claim 2 has been canceled, and Claims 1 and 3 – 20 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,



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